

## **AMENDMENTS TO THE CLAIMS:**

The listing of claims will replace all prior versions, and listings of claims in the application:

### **LISTING OF THE CLAIMS**

1. (Currently Amended) A vehicle load-carrying bed comprising:  
a ~~generally rectangular~~ bed floor;  
a front wall extending upwardly adjacent a front edge of the bed floor;  
a first side wall extending upwardly adjacent a first side edge of the bed floor;  
a second side wall extending upwardly adjacent a second, opposite side edge of the bed floor;

a tailgate positioned along a rear edge of the bed floor and extending between the first and second sidewalls[[],];

a dual axis hinge pivotally connecting the tailgate to the first side wall for movement about a first axis ~~generally parallel with the rear edge of the bed floor~~ and alternative movement about a second axis ~~generally parallel with a vertical bed edge of the first side wall~~ approximately normal relative to the first axis, the hinge including a checker for urging the tailgate into preselected positions when the tailgate is moved about the second axis;

the dual axis hinge including:

a body bracket assembly connected to the first sidewall, and  
a tailgate bracket assembly connected to the tailgate, the tailgate bracket assembly pivotally connected to the body bracket assembly about the first axis and pivotally connected to the body bracket assembly about the second pivot axis, the tailgate bracket assembly includes an angled bracket with a first leg portion for connecting to the

bottom edge of the tailgate and a second leg portion for connecting to the first lateral edge of the tailgate.

2. (Currently Amended) ~~[[The]]~~ A vehicle load-carrying bed ~~of claim 1~~ wherein comprising:

a bed floor;

a front wall extending upwardly adjacent a front edge of the bed floor;

a first side wall extending upwardly adjacent a first side edge of the bed floor;

a second side wall extending upwardly adjacent a second, opposite side edge of the bed floor;

a tailgate positioned along a rear edge of the bed floor and extending between the first and second sidewalls;

a dual axis hinge pivotally connecting the tailgate to the first side wall for movement about a first axis and alternative movement about a second axis approximately normal relative to the first axis; and

a checker disposed on the hinge for urging the tailgate into preselected position when the tailgate is moved about the second axis, the checker includes a torsion spring and at least one rotatable cam for engagement with the torsion spring when the tailgate is opened in the swing-open direction, ~~the preselected positions determined by the shape of the cam.~~

3. (Cancelled).

4. (Cancelled).

5. (Cancelled).

6. (Currently Amended) A dual mode hinge assembly for use with a dual mode tailgate, the dual mode hinge assembly comprising:

a body bracket assembly mounted to a sidewall defining a vehicle load-carrying bed;

a tailgate bracket assembly mounted to a tailgate that extends across an open edge of the vehicle load-carrying bed;

a first rotatable connection between the tailgate bracket assembly and the body bracket assembly having a first pivot axis ~~generally parallel with a bottom edge of the tailgate;~~ and enabling the tailgate to flip-open;

a second rotatable connection between the tailgate bracket assembly and the body bracket assembly having a second pivot axis ~~generally parallel with a lateral edge of the tailgate~~ enabling the tailgate to swing-open;

a rotatable member between the body bracket assembly and the tailgate bracket assembly, the rotatable member pivotally connected to the body bracket assembly about the first pivot axis to form the first rotatable connection and pivotally connected to the tailgate bracket assembly about the second pivot axis to form the second rotatable connection, the rotatable member has a body portion through which the first and second pivot pins extend and a arm extending from body portion, a torsion spring is attached to a distal end of the arm and is engaged by a cam on the tailgate bracket assembly when the tailgate is moved about the first pivot axis.

7. (Cancelled).

8. (Cancelled).

9. (Currently Amended) ~~[[The]]~~ A dual mode hinge assembly of claim 8  
further including for use with a dual mode tailgate, the dual mode hinge assembly  
comprising:

a body bracket assembly mounted to a sidewall defining a vehicle load-carrying  
bed;

a tailgate bracket assembly mounted to a tailgate that extends across an open  
edge of the vehicle load-carrying bed;

a first rotatable connection between the tailgate bracket assembly and the body  
bracket assembly having a first pivot axis;

a second rotatable connection between the tailgate bracket assembly and the  
body bracket assembly having a second pivot axis oriented approximately normal  
relative to the first pivot axis;

a rotatable member between the body bracket assembly and the tailgate bracket  
assembly, the rotatable member pivotally connected to the body bracket assembly  
about the first pivot axis to form the first rotatable connection and pivotally connected to  
the tailgate bracket assembly about the second pivot axis to form the second rotatable  
connection;

a first pivot pin extending through the rotatable member along the first pivot axis  
and rotatably secured to the body bracket assembly;

a second pivot pin extending through the rotatable member along the second  
pivot axis and rotatably secured to the tailgate body bracket assembly; and

bearings between the first pivot pin and the body bracket assembly and between  
the second pivot pin and the tailgate bracket assembly.

10. (Currently Amended) ~~[[The]]~~ A dual mode hinge assembly of claim 8 for  
use with a dual mode tailgate, the hinge assembly comprising:

a body bracket mounted to a sidewall defining a vehicle load-carrying bed;  
a tailgate bracket mounted to a tailgate that extends across an open end of the  
vehicle load-carrying bed;

a rotatable member between the body bracket and the tailgate bracket, the  
rotatable member pivotally connected to the body bracket about a first pivot axis to form  
a first rotatable connection and pivotally connected to the tailgate bracket about a  
second pivot axis to form a second rotatable connection;

a first pivot pin extending through the rotatable member along the first pivot axis  
and rotatably secured to the body bracket; and

a second pivot pin extending through the rotatable member along the second  
pivot axis and rotatably secured to the tailgate body bracket, wherein the body bracket  
assembly has a U-shape for receiving the rotatable member and supporting the first  
pivot pin and the tailgate bracket assembly has a U-shape for receiving the rotatable  
member and supporting the second pivot pin, the rotatable member having a cross-  
sectional shape that cooperates with the U-shapes of the body bracket and tailgate  
bracket assemblies to limit simultaneous movement of the tailgate about the first and  
second pivot axes.

11. (Currently Amended) ~~[[The]]~~ A dual mode hinge assembly of claim 7  
~~further including~~ for use with a dual mode tailgate, the dual mode hinge assembly  
comprising:

a body bracket assembly mounted to a sidewall defining a vehicle load-carrying  
bed;

a tailgate bracket assembly mounted to a tailgate that extends across an open  
edge of the vehicle load-carrying bed;

a rotatable member between the body bracket assembly and the tailgate bracket assembly, the rotatable member pivotally connected to the body bracket assembly about a first pivot axis to form a first rotatable connection for opening the tailgate in a flip-down mode and pivotally connected to the tailgate bracket assembly about a second pivot axis to form a second rotatable connection, for opening the tailgate in a swing-open mode;

a first cam on the tailgate bracket assembly; and

a torsion spring on the rotatable member positioned to be engaged by the cam when the tailgate is moved about the first pivot axis.

12. (Original) The dual mode hinge assembly of claim 11 wherein the cam is rotatably mounted on the tailgate bracket assembly.

13. (Original) The dual mode hinge assembly of claim 12 further including:  
a second cam rotatably mounted on the tailgate bracket assembly and adapted to engage the torsion spring when the tailgate is moved about the first pivot axis.

14. (Original) The dual mode hinge assembly of claim 13 wherein pins are used to rotatably mount the first and second cams to the tailgate bracket assembly.

15. (Original) The dual mode hinge assembly of claim 11 wherein the torsion spring is candy-cane shaped, a short portion of the torsion spring is engaged by the first cam and a long portion affixed to the rotatable member.

16. (Cancelled).

17. (Currently Amended) The dual mode hinge assembly of claim [[16]] 6 wherein the cam is a pair of rotatably mounted cams having cam surfaces, the cam surfaces are shaped such that the engagement between the torsion spring and the cam surfaces urges the tailgate into specific predetermined positions when the tailgate is moved about the first pivot axis.

18. (Currently Amended) A tailgate assembly adapted to be mounted along an open edge of a vehicle's load-carrying bed wherein the tailgate is able to alternatively pivot about (1) a[[n]] first axis generally parallel with a bottom edge of the tailgate for movement between a closed position and a fold-open position and (2) a[[n]] second axis generally parallel with a lateral edge of the tailgate for movement between the closed position and a swing-open position, the tailgate assembly comprising:

a tailgate selectively closing an open end of an associated vehicle load-carrying bed;

a dual mode hinge assembly mounted to the tailgate adjacent a corner of the tailgate formed at an intersection of a bottom edge of the tailgate and a first lateral edge of the tailgate the hinge assembly including a checker for urging the tailgate toward preselected positions when opening the tailgate, the checker including a biasing member and a rotatable can for engaging the biasing member when the tailgate is opened;

a first selectively operable hinge mounted to the tailgate adjacent a corner of the tailgate formed at an intersection of the bottom edge of the tailgate and a second lateral edge of the tailgate, the first selectively operable hinge cooperating with the dual mode hinge assembly to pivotally support the tailgate about [[a]] the first pivot axis;

a second selectively operable hinge mounted to the tailgate adjacent a corner of the tailgate formed at an intersection of a top edge of the tailgate and the first lateral

edge of the tailgate, the second selectively operable hinge cooperating with the dual mode hinge assembly to pivotally support the tailgate about ~~[[a]]~~ the second pivot axis.

19. (Currently Amended) ~~[[A]]~~ The dual mode hinge assembly ~~for use with a dual mode tailgate, the dual mode hinge assembly comprising::~~

~~a body bracket assembly mounted to a sidewall defining a vehicle load-carrying bed;~~

~~a tailgate bracket assembly mounted to a tailgate that extends across an open edge of~~ of claim 21 wherein ~~the vehicle load-carrying bed;~~

~~a rotatable member between the body bracket assembly and the tailgate bracket assembly, the rotatable member pivotally connected to the body bracket assembly and pivotally includes a torsion spring that engages a rotatable cam connected to the tailgate bracket assembly, the tailgate bracket assembly and the rotatable member together moveable relative to the body bracket assembly about a second pivot axis to move the tailgate in a fold-down direction, when the tailgate bracket assembly is moveable moved~~ relative to the rotatable member about ~~[[a]]~~ the second pivot axis to move the tailgate in ~~[[a]]~~ the swing-open direction.

20. (Currently Amended) The dual mode hinge assembly of claim ~~[[19]]~~ 21 wherein the rotatable member includes a biasing member and the tailgate bracket assembly includes first and second rotatably mounted cams that engage the biasing member when the tailgate is moved in the swing-open direction.

21. (Currently Amended) ~~[[The]]~~ A dual mode hinge assembly ~~of claim 19 wherein~~ for use with a dual mode tailgate, the dual mode hinge assembly comprising:



a body bracket assembly mounted to a sidewall defining a vehicle load-carrying bed;

a tailgate bracket assembly mounted to a tailgate that extends across an open edge of the vehicle load-carrying bed;

a rotatable member between the body bracket assembly and the tailgate bracket assembly, the rotatable member pivotally connected to the body bracket assembly and pivotally connected to the tailgate bracket assembly, the tailgate bracket assembly and the rotatable member together moveable relative to the body bracket assembly about a second pivot axis to move the tailgate in a fold-down direction, the tailgate bracket assembly moveable relative to the rotatable member about a second pivot axis to move the tailgate in a swing-open direction, a first pivot pin pivotally connects the rotatable member to the body bracket assembly and a second pivot pin pivotally connects the rotatable member to the tailgate bracket assembly.

22. (New) The vehicle load-carrying bed of claim 1 wherein the checker includes a torsion spring and at least one rotatable cam for engagement with the torsion spring when the tailgate is opened in the swing-open direction, the preselected positions determined by the shape of the cam.

23. (New) The vehicle load-carrying bed of claim 2 wherein the preselected positions of the checker are determined by the shape of the cam.

24. (New) The dual mode hinge assembly of claim 6 wherein the cam is rotatably mounted on the tailgate bracket assembly.

25. (New) The dual mode hinge assembly of claim 6 further including:

a first pivot pin extending through the rotatable member along the first pivot axis and rotatably secured to the body bracket assembly;

a second pivot pin extending through the rotatable member along the second pivot axis and rotatably secured to the tailgate body bracket assembly; and

bearings between the first pivot pin and the body bracket assembly and between the second pivot pin and the tailgate bracket assembly.

26. (New) The dual mode hinge assembly of claim 6 wherein the rotatable member has a shape that cooperates with the body bracket and tailgate bracket assembly to prevent simultaneous movement of the tailgate about the first and second pivot axes.

27. (New) The dual mode hinge assembly of claim 9 further including a spring on the rotatable member that engages a cam mounted on the tailgate bracket assembly when the tailgate is opened about the first pivot axis and urges the tailgate into a preselected position.

28. (New) The dual mode hinge assembly of claim 27 wherein the preselected position is one of several positions defined by the cam.

29. (New) The dual mode hinge assembly of claim 10 wherein the rotatable member includes a torsion spring and the tailgate bracket includes a cam, the torsion spring and the cam engageable with one another when the tailgate is opened to urge the tailgate toward a preselected position.